UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RAYMOND HALL,	)	CASE NO. 1:11 CV 295
	)	
Petitioner,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	MEMORANDUM OF OPINION
APA, et al.,	)	AND ORDER
	)	
Respondents.	)	

On February 10, 2011, petitioner *pro se* Raymond Hall filed this habeas corpus action under 28 U.S.C. § 2254 against the Ohio Adult Parole Authority (APA) and Maggie Beightler. The petition asserts Hall's right to due process was violated when he was denied parole in 2005, allegedly because the APA had erroneous information concerning Hall's crime.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

The Supreme Court has held that "[p]arole for Ohio prisoners lies wholly within the discretion of the [Ohio Adult Parole Authority.] The statutes which provide for parole do not create a protected liberty interest for due process purposes." *Jago v. Van Curen*, 454 U.S. 14, 20 (1981). Further, given that Ohio law allows petitioner to refute the information he alleges is erroneous, Ohio Admin. Code § 5120:1-1-07(B)(7), there is no basis for a due process claim in any event. *Slocum*

v. Georgia State Board of Pardons and Paroles, 678 F.2d 940, 942 (11th Cir. 1982); *Herrera v. Harkins*, No. 93-6101, 1993 WL 436824 (10th Cir. 1993).

Accordingly, this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability, Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

 /s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 4/6/11